

103^D CONGRESS
1ST SESSION

S. 1099

To authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs during the fiscal years 1994 and 1995, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 15, 1993

Mr. PELL (by request) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs during the fiscal years 1994 and 1995, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Foreign Relations Authorization Act, Fiscal Years 1994
6 and 1995”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

TITLE I—THE DEPARTMENT OF STATE

PART A—AUTHORIZATION OF APPROPRIATIONS ALLOCATIONS OF FUNDS:
RESTRICTIONS

- Sec. 101. Administration of foreign affairs.
- Sec. 102. International organizations and conferences.
- Sec. 103. International commissions.
- Sec. 104. Migration and refugee assistance.
- Sec. 105. Other programs.
- Sec. 106. Prohibition on discriminatory contracts.

PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

- Sec. 111. Emergencies in the diplomatic and consular service.
- Sec. 112. Transfers and reprogrammings.
- Sec. 113. Expenses relating to certain international claims and proceedings.
- Sec. 114. Childcare facilities at certain posts abroad.
- Sec. 115. Technical correction.
- Sec. 116. Role of the Foreign Service Institute.
- Sec. 117. Reporting requirement on American prisoners abroad.
- Sec. 118. Persons authorized to issue passports abroad.
- Sec. 119. Notarial authority.
- Sec. 120. Consolidation of reports on visa denials.
- Sec. 121. Grants for environmental activities.
- Sec. 122.–130. [reserved.]

PART C—DIPLOMATIC RECIPROCITY AND SECURITY

- Sec. 131. Relocation of participants in Rewards Program.

PART D—PERSONNEL

- Sec. 141. Retirement eligibility for certain employees of international organizations.
- Sec. 142. Waiver of limit for certain claims for personal property damage or loss.
- Sec. 143. Salaries of chiefs of mission.
- Sec. 144. Administration of senior foreign service performance pay.
- Sec. 145. Amendments to title 5.
- Sec. 146. Reassignment and retirement of former presidential appointees.
- Sec. 147. Amendments to chapter 11 of the Foreign Service Act.

PART E—INTERNATIONAL ORGANIZATIONS

- Sec. 151. Agreement on State and local taxation of foreign employees of public international organizations.
- Sec. 152. Reform in budget decision-making procedures of the United Nations and its specialized agencies.
- Sec. 153. International Boundary and Water Commission.
- Sec. 154. United States membership in the Asian-Pacific Economic Cooperation Organization.

PART F—MISCELLANEOUS PROVISIONS

- Sec. 161. Publishing international agreements.
- Sec. 162. Migration and refugee amendments.

TITLE II—DEPARTMENT OF STATE ORGANIZATION

Sec. 301. Implementation of the 1988 Protocol for the suppression of unlawful acts of violence at airports serving international civil aviation.

Sec. 302. Amendment to Federal Aviation Act.

Sec. 303. Offenses of violence against maritime navigation or fixed platforms.

Sec. 304. Torture convention implementation.

Sec. 305. Providing material support to terrorists.

Sec. 306. Extension of the statute of limitations for certain terrorism offenses.

4 SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

(2) ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD.—For “Acquisition and Maintenance of Buildings Abroad”, \$420,000,000 for the fiscal

1 year 1994 and \$432,119,000 for the fiscal year
2 1995.

3 (3) REPRESENTATION ALLOWANCES.—For
4 “Representation Allowances”, \$4,881,000 for the
5 fiscal year 1994 and \$4,853,000 for the fiscal year
6 1995.

7 (4) EMERGENCIES IN THE DIPLOMATIC AND
8 CONSULAR SERVICE.—For “Emergencies in the Dip-
9 lomatic and Consular Service, \$8,000,000 for the
10 fiscal year 1994 and \$8,208,000 for the fiscal year
11 1995.

12 (5) OFFICE OF THE INSPECTOR GENERAL.—
13 For “Office of the Inspector General”, \$24,055,000
14 for the fiscal year 1994 and \$24,834,000 for the fis-
15 cal year 1995.

16 (6) PAYMENT TO THE AMERICAN INSTITUTE IN
17 TAIWAN.—For “Payment to the American Institute
18 in Taiwan”, \$15,484,000 for the fiscal year 1994
19 and \$15,395,000 for the fiscal year 1995.

20 (7) PROTECTION OF FOREIGN MISSIONS AND
21 OFFICIALS.—For “Protection of Foreign Missions
22 and Officials”, \$10,814,000 for the fiscal year 1994
23 and \$11,095,000 for the fiscal year 1995.

24 (8) REPATRIATION LOANS.—For “Repatriation
25 Loans”, \$193,000 for the fiscal year 1994 and

1 \$198,000 for the fiscal year 1995, for administrative
2 expenses.

3 **SEC. 102. INTERNATIONAL ORGANIZATIONS AND CON-**
4 **FERENCES.**

5 (a) ASSESSED CONTRIBUTIONS TO INTERNATIONAL
6 ORGANIZATIONS.—There are authorized to be appro-
7 priated for “Contributions to International Organiza-
8 tions”, \$865,885,000 for the fiscal year 1994 and
9 \$1,000,053,000 for the fiscal year 1995 for the Depart-
10 ment of State to carry out the authorities, functions, du-
11 ties, and responsibilities in the conduct of the foreign af-
12 fairs of the United States with respect to international or-
13 ganizations and to carry out other authorities in law con-
14 sistent with such purposes.

15 (b) CONTRIBUTIONS FOR INTERNATIONAL PEACE-
16 KEEPING ACTIVITIES.—There are authorized to be appro-
17 priated for “Contributions for International Peacekeeping
18 Activities”, \$597,744,000 for the fiscal year 1994 and
19 \$478,000,000 for the fiscal year 1995 for the Department
20 of State to carry out the authorities, functions, duties, and
21 responsibilities in the conduct of the foreign affairs of the
22 United States with respect to international peacekeeping
23 activities and to carry out other authorities in law consist-
24 ent with such purposes.

1 (c) INTERNATIONAL CONFERENCES AND CONTIN-
 2 GENCIES.—In addition to funds otherwise authorized to
 3 be appropriated for these purposes, there are authorized
 4 to be appropriated for “International Conferences and
 5 Contingencies”, \$6,600,000 for the fiscal year 1994 and
 6 \$6,743,000 for the fiscal year 1995 for the Department
 7 of State to carry out the authorities, functions, duties, and
 8 responsibilities in the conduct of the foreign affairs of the
 9 United States with respect to international conferences
 10 and contingencies and to carry out other authorities in law
 11 consistent with such purposes.

12 **SEC. 103. INTERNATIONAL COMMISSIONS.**

13 The following amounts are authorized to be appro-
 14 priated under “International Commissions” for the De-
 15 partment of State to carry out the authorities, functions,
 16 duties, and responsibilities in the conduct of the foreign
 17 affairs of the United States and for other purposes author-
 18 ized by law:

19 (1) INTERNATIONAL BOUNDARY AND WATER
 20 COMMISSION, UNITED STATES AND MEXICO.—For
 21 “International Boundary and Water Commission,
 22 United States and Mexico”—

23 (A) for “Salaries and Expenses” for the
 24 fiscal year 1994, \$11,330,000, and for the fis-
 25 cal year 1995, \$11,767,000; and

1 (B) for “Construction” for the fiscal year
2 1994 \$14,790,000, and for the fiscal year
3 1995, \$15,198,000.

4 (2) INTERNATIONAL BOUNDARY COMMISSION,
5 UNITED STATES AND CANADA.—For “International
6 Boundary Commission, United States and Canada”,
7 \$760,000 for the fiscal year 1994 and \$784,000 for
8 the fiscal year 1995.

9 (3) INTERNATIONAL JOINT COMMISSION.—For
10 “International Joint Commission”, \$3,643,000 for
11 the fiscal year 1994 and \$3,759,000 for the fiscal
12 year 1995.

13 (4) INTERNATIONAL FISHERIES COMMIS-
14 SIONS.—For “International Fisheries Commissions”,
15 \$14,200,000 for the fiscal year 1994 and
16 \$14,569,000 for the fiscal year 1995.

17 **SEC. 104. MIGRATION AND REFUGEE ASSISTANCE.**

18 (a) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated for “Migration and Ref-
20 ugee Assistance” for authorized activities, \$640,688,000
21 for the fiscal year 1994 and \$640,688,000 for the fiscal
22 year 1995.

23 (b) AVAILABILITY OF FUNDS.—Funds appropriated
24 pursuant to subsection (a) are authorized to be available
25 until expended.

1 **SEC. 105. OTHER PROGRAMS.**

2 The following amounts are authorized to be appro-
3 priated for the Department of State to carry out the au-
4 thorities, functions, duties, and responsibilities in the con-
5 duct of the foreign affairs of the United States and for
6 other purposes authorized by law:

7 (1) UNITED STATES BILATERAL SCIENCE AND
8 TECHNOLOGY AGREEMENTS.—For “United States
9 Bilateral Science and Technology Agreements”,
10 \$4,500,000 for the fiscal year 1994 and \$4,617,000
11 for the fiscal year 1995.

12 (2) ASIA FOUNDATION.—For “Asia Founda-
13 tion”, \$16,693,000 for the fiscal year 1994 and
14 \$17,127,000 for the fiscal year 1995.

15 **SEC. 106. PROHIBITION ON DISCRIMINATORY CONTRACTS.**

16 (a) PROHIBITION.—Except as provided in subsection
17 (b), none of the funds authorized to be appropriated in
18 this Act may be obligated or expended by the Department
19 of State for contracts with any foreign or United States
20 firm that complies with the Arab League Boycott of the
21 State of Israel or with any foreign or United States firm
22 that discriminates in the award of subcontracts on the basis
23 of religion.

24 (b) EXCEPTION.—The Secretary of State may waive
25 this provision on a country-by-country basis upon certifi-
26 cation to the Congress by the Secretary that such waiver

1 is in the national interest and is necessary to carry on
2 the diplomatic functions of the United States.

3 **PART B—DEPARTMENT OF STATE AUTHORITIES**
4 **AND ACTIVITIES**

5 **SEC. 111. EMERGENCIES IN THE DIPLOMATIC AND CON-**
6 **SULAR SERVICE.**

7 Section 4 of the State Department Basic Authorities
8 Act of 1956 (22 U.S.C. 2671) is amended in subsection
9 (c)—

10 (1) by striking “and the Foreign Service”; and

11 (2) by striking “confidential”.

12 **SEC. 112. TRANSFERS AND REPROGRAMMINGS.**

13 (a) AMENDMENTS TO SECTION 24 OF THE STATE
14 DEPARTMENT BASIC AUTHORITIES ACT.—Section 24 of
15 the State Department Basis Authorities Act (22 U.S.C.
16 2696) is amended—

17 (1) in subsection (b)(7) by striking paragraph
18 (E);

19 (2) in subsection (d)(1) by striking “, for the
20 second fiscal year of any two-year authorization
21 cycle may be appropriated for such second fiscal
22 year” and inserting in its place “for a given fiscal
23 year may be appropriated for such year”;

1 (3) in subsection (d)(2) by striking “5 percent”
2 and “10 percent” and inserting in their places “10
3 percent” and “35 percent” respectively;

4 (4) by striking subsection (d)(4);

5 (5) by inserting the following new subsection
6 (f):

7 “(f)(1) Subject to paragraphs (2), (3), and (4), funds
8 appropriated for the Department of State in the Depart-
9 ment of State Appropriations Act for any fiscal year may
10 be transferred to any other appropriations account.

11 “(2) Neither the “Salaries and Expenses” account
12 nor the “Acquisition and Maintenance of Buildings
13 Abroad” account may be increased by a transfer under
14 this subsection by more than 10 percent of the amount
15 specifically appropriated for each account. No other appro-
16 priations account may be increased by a transfer under
17 this subsection by more than 35 percent of the amount
18 specifically appropriated for such account, except that this
19 limitation shall not apply to transfers to the “Emergencies
20 in the Consular and Diplomatic Service” appropriation
21 necessary for evacuations.

22 “(3) Any transfer pursuant to this paragraph shall
23 be treated as a reprogramming of funds under section 34
24 and shall be available for obligation or expenditure only
25 in accordance with the requirements of that section, except

1 that the 15-day period under that section shall apply only
2 insofar as consistent with the emergency nature of the sit-
3 uation in cases where the safety of human life is involved.
4 Notification required in section 34 shall also be provided
5 to the Appropriations Committees of both Houses of
6 Congress.”.

7 (b) DIPLOMATIC CONSTRUCTION PROGRAM.—Section
8 401 of the Omnibus Diplomatic Security and
9 Antiterrorism Act of 1986 (22 U.S.C. 4851) is amended—
10 (1) by striking subsections (c) and (h)(3); and
11 (2) by renumbering subsections (d) through (h)
12 as (c) through (g) respectively.

13 (c) AMENDMENT TO SECTION 34 OF THE STATE DE-
14 PARTMENT BASIC AUTHORITIES ACT.—Section 34 of the
15 State Department Basic Authorities Act (22 U.S.C. 2706)
16 is amended by adding the following new subsection (c):
17 “(c) In an emergency situation, the 15-day period
18 under subsection (a) and the requirements of subsection
19 (b) shall apply only insofar as consistent with the emer-
20 gency nature of the situation in cases where the safety
21 of human life is involved.”

1 **SEC. 113. EXPENSES RELATING TO CERTAIN INTER-**
2 **NATIONAL CLAIMS AND PROCEEDINGS.**

3 Section 38 of the State Department Basic Authorities
4 Act is amended by adding the following new subsections
5 (c) and (d) at the end:

6 “(c) **PROCUREMENT OF SERVICES.**—The Secretary
7 of State may use competitive procedures or procedures
8 other than competitive procedures to procure the services
9 of experts for use in preparing or prosecuting a proceeding
10 before an international tribunal or a claim by or against
11 a foreign government or other foreign entity, whether or
12 not the expert is expected to testify, or to procure other
13 support services for such proceedings or claims. The Sec-
14 retary need not provide any written justification for the
15 use of procedures other than competitive procedures when
16 procuring such services under this chapter and need not
17 furnish for publication in the Commerce Business Daily
18 or otherwise any notice of solicitation or synopsis with re-
19 spect to such procurement.

20 “(d) **INTERNATIONAL LITIGATION FUND.**—(1) **ES-**
21 **TABLISHMENT.**—In order to provide the Department of
22 State with a dependable, flexible and adequate source of
23 funding for its expenses related to preparing or prosecut-
24 ing a proceeding before an international tribunal, or a
25 claim by or against a foreign government or other foreign
26 entity, there is established an International Litigation

1 Fund (ILF). The ILF shall be available without fiscal
2 year limitation. Funds otherwise available for such pur-
3 poses may be credited to the ILF.

4 “(2) REPROGRAMMING PROCEDURES.—Except for
5 the transfers of funds authorized in paragraph (3), funds
6 credited to the ILF shall be treated as a reprogramming
7 of funds under section 34 of the State Department Basic
8 Authorities Act of 1956 (22 U.S.C. 2706) and shall not
9 be available for obligation or expenditure except in compli-
10 ance with the procedures applicable to such
11 reprogramming.

12 “(3) TRANSFERS OF FUNDS.—Funds received by the
13 Department of State from another agency of the United
14 States Government or pursuant to the second paragraph
15 of section 2661 of title 22, United States Code, to meet
16 costs of preparing or prosecuting a proceeding before an
17 international tribunal, or a claim by or against a foreign
18 government or other foreign entity, shall be credited to
19 the ILF.

20 “(4) USE OF FUNDS.—Funds deposited in the ILF
21 shall be available only for the purposes set forth in para-
22 graph (1).”.

1 **SEC. 114. CHILDCARE FACILITIES AT CERTAIN POSTS**
2 **ABROAD.**

3 Section 31 of the State Department Basic Authorities
4 Act of 1956 (22 U.S.C. 2703) is amended in subsection
5 (e) by striking “for the fiscal years 1992 and 1993,”.

6 **SEC. 115. TECHNICAL CORRECTION.**

7 Section 2 of the State Department Basic Authorities
8 Act of 1956 is amended by striking “(l)” from the sub-
9 paragraph which reads:

10 “(l) pay obligations arising under international
11 agreements, conventions, and binational contracts to
12 the extent otherwise authorized by law.”

13 and replacing it with “(m)”.

14 **SEC. 116. ROLE OF THE FOREIGN SERVICE INSTITUTE.**

15 Section 701 of the Foreign Service Act of 1980 (22
16 U.S.C. 4021) is amended by adding at the end the follow-
17 ing new subsection:

18 “(d) Special professional foreign affairs training and
19 instruction may be provided at the Institute for employees
20 of foreign governments on a reimbursable basis. Reim-
21 bursement may come from a foreign government or an-
22 other United States Government agency for such training
23 and instruction. All of the authorities of section 704 are
24 applicable to training provided under this section. Train-
25 ing should be made available in the first instance to per-
26 sons from newly emerging democratic nations, and then

1 for other nations as deemed to be in the United States
2 national interest.”.

3 **SEC. 117. REPORTING REQUIREMENT ON AMERICAN PRIS-**
4 **ONERS ABROAD.**

5 Section 108 of the Foreign Relations Authorization
6 Act, Fiscal Year 1978 (Public Law 95–105) is repealed.

7 **SEC. 118. PERSONS AUTHORIZED TO ISSUE PASSPORTS**
8 **ABROAD.**

9 Section 211a of title 22 of the United States Code
10 (44 Stat. 887) is amended by striking “by diplomatic rep-
11 resentatives of the United States, and by such consul gen-
12 erals, consuls, or vice consuls when in charge,” and insert-
13 ing in its place “by diplomatic and consular officers of
14 the United States, and by such other employees of the De-
15 partment of State who are citizens of the United States,”.

16 **SEC. 119. NOTARIAL AUTHORITY.**

17 Section 4221 of title 22 of the United States Code
18 is amended in the first sentence to insert after “consular
19 officer”, “, and any other employee of the Department of
20 State who is a citizen of the United States as the Sec-
21 retary of State may designate pursuant to regulation,”.

1 **SEC. 120. CONSOLIDATION OF REPORTING REQUIREMENTS**
2 **ON VISA DENIALS.**

3 (a) BASIC AUTHORITIES ACT.—Section 51 of the
4 State Department Basic Authorities Act (section 127(a)
5 of Public Law 102–138) is repealed.

6 (b) IMMIGRATION AND NATURALIZATION ACT.—Sec-
7 tion 212(a)(3)(C)(iv) of the Immigration and Naturaliza-
8 tion Act (8 U.S.C. 1182(a)(3)(C)(iv)) is deleted in its en-
9 tirety and replaced with the following:

10 “(iv) REPORTS TO CONGRESS.—The
11 Secretary of State shall report, on a timely
12 basis, to the chairmen of the Committees
13 on the Judiciary and Foreign Affairs of
14 the House of Representatives and of the
15 Committees on the Judiciary and Foreign
16 Relations of the Senate each time a con-
17 sular post denies a visa under clause (i) or
18 clause (iii). Such report shall set forth the
19 name and nationality of the alien who was
20 denied a visa and the factual basis and
21 reasons for such denial, including the rea-
22 sons for any determination under clause
23 (iii).”.

1 **SEC. 121. GRANTS FOR ENVIRONMENTAL ACTIVITIES.**

2 Section 2 of the State Department Basic Authorities
3 Act of 1956 (22 U.S.C. 2669) is amended by adding a
4 new subsection (n) as follows:

5 “(n) make grants, contracts, and otherwise sup-
6 port activities to conduct research and promote
7 international cooperation on environmental and
8 other scientific issues.”.

9 **PART C—DIPLOMATIC RECIPROCITY AND**
10 **SECURITY**

11 **SEC. 131. RELOCATION OF PARTICIPANTS IN REWARDS**
12 **PROGRAMS.**

13 Section 36 of the State Department Basic Authorities
14 Act (22 U.S.C. 2708) is amended in subsection (e)—

15 (1) by inserting “(1)” immediately following
16 “(e)”; and

17 (2) by adding the following new paragraph at
18 the end:

19 “(2)(A) whenever the information which would justify
20 a reward under subsection (a) is furnished by an alien and
21 the Secretary of State and the Attorney General jointly
22 determine that the safety of such alien or members of the
23 alien’s immediate family requires the admission of such
24 alien or aliens to the United States, then such alien, and
25 the members of the alien’s immediate family, if necessary,
26 may be admitted to the United States for permanent resi-

1 dence, without regard to the requirements of the Immigra-
2 tion and Nationality Act (8 U.S.C. 1101 et seq.).

3 “(B) The total number of aliens admitted to the
4 United States under subparagraph (A) shall not exceed
5 25 in any one fiscal year.”.

6 **PART D—PERSONNEL**

7 **SEC. 141. RETIREMENT ELIGIBILITY FOR FEDERAL EM-**
8 **PLOYEES TRANSFERRED TO INTERNATIONAL**
9 **ORGANIZATIONS.**

10 (a) AMENDMENT TO THE FEDERAL INSURANCE CON-
11 TRIBUTIONS ACT.—Section 3121 of title 26, United
12 States Code, is amended by adding the following new sub-
13 section at the end:

14 “(y) For purposes of this chapter, notwithstanding
15 the provisions of paragraph (b)(15) of this section, service
16 performed in the employ of an international organization
17 by an employee of the United States who is transferred
18 to such organization shall constitute employment in the
19 employ of the United States, if for purposes of section
20 3582 of title 5, United States Code, such employment will
21 enable an individual who is entitled to the coverage, rights,
22 and benefits of subsection (a)(1) of section 3582 to retain
23 such coverage, rights, and benefits during the individual’s
24 period of transferred service with the international organi-
25 zation.”.

1 (b) AMENDMENT TO SELF-EMPLOYMENT INCOME
2 TAX PROVISIONS OF THE INTERNAL REVENUE CODE OF
3 1986.—Section 1402(c)(2)(C) of title 26, United States
4 Code, is amended to read as follows:

5 “(C) service described in section 3121(b)
6 (11), (12), or (15) performed in the United
7 States (as defined in section 3121(e)(2)) by a
8 citizen of the United States, except for services
9 described in section 3121(y) that constitute em-
10 ployment in the employ of the United States,”.

11 (c) CONFORMING AMENDMENT TO THE SOCIAL SE-
12 CURITY ACT.—

13 (1) Section 210 of the Social Security Act (42
14 U.S.C. 410) is amended by adding the following new
15 subsection at the end:

16 “(r) FEDERAL EMPLOYEES TRANSFERRED TO
17 INTERNATIONAL ORGANIZATIONS.—For purposes of this
18 title, notwithstanding the provisions of paragraph (a)(15)
19 of this section, service performed in the employ of an
20 international organization by an employee of the United
21 States who is transferred to such organization shall con-
22 stitute employment in the employ of the United States if,
23 for purposes of section 3582 of title 5, United States
24 Code, such employment will enable an individual who is
25 entitled to the coverage, rights, and benefits of subsection

1 (a)(1) of section 3582 to retain such coverage, rights, and
2 benefits during the individual's period of transferred serv-
3 ice with the international organization.”.

4 (2) Section 211(c)(2)(C) of the Social Security
5 Act (42 U.S.C. 411(c)(2)(C)) is amended by adding
6 at the end “except for service described in section
7 210(r) of this title that constitutes employment in
8 the employ of the United States,”.

9 **SEC. 142. WAIVER OF LIMIT FOR CERTAIN CLAIMS FOR**
10 **PERSONAL PROPERTY DAMAGE OR LOSS.**

11 Subsection 3721(b) of title 31 of the United States
12 Code is amended—

13 (1) by inserting “(1)” after “(b)”; and

14 (2) by adding after paragraph (1) the following
15 new paragraph:

16 “(2) Upon a determination by the Secretary of State
17 that exceptional circumstances exist, he or she may waive
18 the dollar limit imposed under paragraph (1), to the extent
19 warranted by the exceptional circumstances, but not to ex-
20 ceed \$85,000, for claims by United States Government
21 personnel subject to a chief of mission in a foreign country
22 for damage or loss caused by a natural disaster or in cir-
23 cumstances where there is in effect a departure authorized
24 or ordered from that country under subsection 5522(a)
25 of title 5 of the United States Code. With respect to such

1 claims by persons under the command of a United States
2 area military commander, the Secretary of Defense may
3 grant such a waiver.”.

4 (3) The amendments made by paragraph (2)
5 shall be deemed to have become effective as of Octo-
6 ber 31, 1988, the date of enactment of Public Law
7 100–565.

8 **SEC. 143. SALARIES OF CHIEFS OF MISSION.**

9 Section 401(a) of the Foreign Service Act of 1980
10 (22 U.S.C. 3961(a)) is amended—

11 (1) by striking “, exclusive of danger pay,”; and

12 (2) by striking “not exceed the annual rate pay-
13 able for level I of such Executive Schedule”, and in-
14 serting in its place “be subject to the limitation on
15 certain payments under section 5307 of title 5 of the
16 United States Code”.

17 **SEC. 144. ADMINISTRATION OF SENIOR FOREIGN SERVICE**
18 **PERFORMANCE PAY.**

19 Section 405(b)(4) of the Foreign Service Act of 1980
20 (22 U.S.C. 3965(b)(4)) is amended to read as follows:

21 “(4) Any award under this section shall be sub-
22 ject to the limitation on certain payments under sec-
23 tion 5307 of title 5 of the United States Code.”.

1 **SEC. 145. AMENDMENTS TO TITLE 5.**

2 (a) AWAY-FROM-POST EDUCATION ALLOWANCE.—
3 Section 5924(4)(A) of title V, United States Code, is
4 amended by inserting the following new sentence after
5 “title 31.”: “When travel from school to post is infeasible,
6 travel may be allowed from the school attended to visit
7 a designated relative or family friend or to join parents
8 at any location, with the allowable travel expense not to
9 exceed the cost of travel between the school and post.”.

10 (b) EDUCATIONAL TRAVEL FOR COLLEGE STUDENTS
11 STUDYING ABROAD.—Section 5924(4)(B) of title 5, Unit-
12 ed States Code, is amended in the first sentence by insert-
13 ing after “in the United States”, “(or to and from a school
14 outside the United States if the dependent is attending
15 that school for less than one year under a program ap-
16 proved by the school in the United States in which the
17 dependent is enrolled)”.

18 **SEC. 146. REASSIGNMENT AND RETIREMENT OF FORMER**
19 **PRESIDENTIAL APPOINTEES.**

20 Section 813 of the Foreign Service Act of 1980 (22
21 U.S.C. 4053), as amended, is further amended by striking
22 all of section 813 and inserting in its place the following:

23 “(a) If a participant completes an assignment under
24 section 302(b) in a position to which he or she was ap-
25 pointed by the President, and if that individual is not oth-
26 erwise eligible for retirement, the participant shall be reas-

1 signed within 90 days after the termination of such as-
 2 signment and any period of authorized leave.

3 “(b) If a participant completes an assignment under
 4 section 302(b) in a position to which he or she was ap-
 5 pointed by the President, and if that individual is eligible
 6 for retirement and is not reassigned within 90 days after
 7 the termination of such assignment and any period of au-
 8 thorized leave, the participant shall be retired from the
 9 Service and receive retirement benefits in accordance with
 10 section 806 or 855, as appropriate.”.

11 **SEC. 147. AMENDMENTS TO CHAPTER 11 OF THE FOREIGN**
 12 **SERVICE ACT.**

13 (a) GRIEVANCE BOARD PROCEDURES.—Section 1106
 14 of the Foreign Service Act of 1980 (22 U.S.C. 4136) is
 15 amended—

16 (1) in subsection (1)(A) by inserting “consisting
 17 of a suspension of 14 days or more” after “discipli-
 18 nary action”; and

19 (2) in subsection (8), by striking “until the
 20 Board has ruled upon the grievance.” and inserting
 21 in its place “for up to one year, or until the Board
 22 has ruled upon the grievance, whichever period is
 23 shorter. The Board may extend the one-year limit if
 24 it determines that the agency or the Board is re-

1 sponsible for delaying the resolution of the grievance.”.

3 (b) GRIEVANCE BOARD RECOMMENDATIONS.—Section 1107 of the Foreign Service Act of 1980 (22 U.S.C. 4137) is amended by redesignating subsections (e) through (f) as (f) through (g) and adding the following new subsection after subsection (d):

8 “(e) Subsections (b) and (d) are applicable only in cases where the Board finds that a grievance is meritorious. If the Board does not find that the grievance is meritorious, but concludes that reformatory action would be in the interest of the Department and the Service, it may so advise the Department but shall not direct the Department to take such action.”.

15 (c) TIME LIMITATION ON REQUESTS FOR JUDICIAL REVIEW.—Section 1110 of the Foreign Service Act of 1980 (22 U.S.C. 4140) is amended by inserting before the period at the end of the first sentence “, provided that the request for judicial review is filed within 180 days of the final action of the Secretary of the Board”.

1 **PART E—INTERNATIONAL ORGANIZATIONS**

2 **SEC. 151. AGREEMENT ON STATE AND LOCAL TAXATION OF**
3 **FOREIGN EMPLOYEES OF PUBLIC INTER-**
4 **NATIONAL ORGANIZATIONS.**

5 The President is hereby authorized to bring into force
6 for the United States the Agreement on State and Local
7 Taxation of Foreign Employees of Public International
8 Organizations, which was signed by the United States on
9 April 21, 1992.

10 **SEC. 152. REFORM IN BUDGET DECISIONMAKING PROCE-**
11 **DURES OF THE UNITED NATIONS AND ITS**
12 **SPECIALIZED AGENCIES.**

13 (a) ASSESSED CONTRIBUTIONS.—For assessed con-
14 tributions authorized to be appropriated by section 102
15 of this Act, the President may withhold 20 percent of the
16 funds appropriated for the United States assessed con-
17 tribution to the United Nations or to any of its specialized
18 agencies for any calendar year if the Secretary of State
19 determines that the United Nations or any such agency
20 has failed to implement or to continue to implement con-
21 sensus-based decision making procedures on budgetary
22 matters which assure that sufficient attention is paid to
23 the views of the United States and other member states
24 who are major financial contributors to such assessed
25 budgets.

1 (b) CONTRIBUTIONS FOR PRIOR YEARS.—Subject to
 2 the availability of appropriations, payment of assessed
 3 contributions for prior years may be made to the United
 4 Nations or any of its specialized agencies notwithstanding
 5 subsection (a) of this section, section 405 of the Foreign
 6 Relations Authorization Act, Fiscal Years 1990 and 1991
 7 (Public Law 101–246) and section 143 of the Foreign Re-
 8 lations Authorization Act, Fiscal Years 1986 and 1987
 9 (Public Law 99–93) if the Secretary of State determines
 10 that such payment would further United States interests
 11 in that organization.

12 **SEC. 153. INTERNATIONAL BOUNDARY AND WATER COM-**
 13 **MISSION.**

14 (a) AUTHORIZATION TO RECEIVE PAYMENTS.—Sec-
 15 tion 2 of Public Law 88–300 (22 U.S.C. 277d–18) is
 16 amended—

17 (1) by adding at the end of the section heading
 18 the following: “; use of payments received”;

19 (2) by inserting “(a)” before “The United
 20 States Commissioner”;

21 (3) by striking the period at the end and insert-
 22 ing “;”

23 (4) by adding the following new subsections at
 24 the end:

1 “(b) The United States Commissioner is further au-
2 thorized to receive payments of money from public or pri-
3 vate sources in the United States or the United Mexican
4 States made for the purpose of sharing in the cost of re-
5 placement of the Bridge of the Americas which crosses the
6 Rio Grande between El Paso, Texas and Cd. Juarez, Chi-
7 huahua. All such moneys shall, notwithstanding any other
8 provision of law, be credited to any appropriation to the
9 Commission which is currently available. Such funds shall
10 be available only for the replacement of the said Bridge.

11 “(c) The authority of subsection (b) may be exercised
12 only to such extent or in such amounts as are provided
13 in advance in an appropriate Act.”.

14 (b) EXPENDITURES FOR WATER POLLUTION PROB-
15 LEMS.—Title I of the Act of June 20, 1956 (70 Stat. 302,
16 22 U.S.C. 277d–12), as amended, is amended in the
17 fourth undesignated paragraph under the heading
18 “INTERNATIONAL BOUNDARY AND WATER COMMISSION,
19 UNITED STATES AND MEXICO” by striking everything after
20 “Tijuana Rivers,” and inserting in its place “or other
21 streams running across or near the boundary, and for tak-
22 ing emergency actions to protect against health threaten-
23 ing surface and ground water pollution problems along the
24 United States-Mexico boundary.”.

1 (c) FALCON AND AMISTAD DAMS MAINTENANCE
2 FUND.—Section 2 of the Act of June 18, 1954 (68 Stat.
3 255, as amended by the Act of December 23, 1963, 77
4 Stat. 475) is amended to read as follows:

5 “SEC. 2. (a) A separate fund, known as the Falcon
6 and Amistad Operating and Maintenance Fund (herein-
7 after referred to as the Maintenance Fund), shall be cre-
8 ated in the Treasury of the United States. The Mainte-
9 nance Fund shall be administered by the Administrator
10 of the Western Area Power Administration for use by the
11 Commissioner of the United States Section of the Inter-
12 national Boundary and Water Commission to defray oper-
13 ation, maintenance, and emergency costs for the hydro-
14 electric facilities at the Falcon and Amistad Dams.

15 “(b) Notwithstanding any other law, and subject to
16 subsection (d), revenues collected in connection with the
17 disposition of electric power generated at the Falcon and
18 Amistad Dams shall be credited to the Maintenance Fund
19 and shall be available only for defraying operation, mainte-
20 nance, and emergency costs for the hydroelectric facilities
21 at the dams.

22 “(c) The authority of subsection (b) may be exercised
23 only to such extent or in such amounts as are provided
24 in advance in an appropriation Act.

1 “(d) All moneys received from the Government of
 2 Mexico for any energy which might be delivered to that
 3 Government by the United States Section of the Inter-
 4 national Boundary and Water Commission pursuant to
 5 any special agreement concluded in accordance with article
 6 19 of the said treaty shall be credited to the general fund
 7 of the Treasury of the United States.”.

8 **SEC. 154. UNITED STATES MEMBERSHIP IN THE ASIAN**
 9 **PACIFIC ECONOMIC COOPERATION ORGANI-**
 10 **ZATION.**

11 (a) UNITED STATES MEMBERSHIP.—The President
 12 is authorized to maintain membership of the United States
 13 in the Asian-Pacific Economic Cooperation (APEC).

14 (b) PAYMENT OF ASSESSED CONTRIBUTIONS.—For
 15 fiscal year 1994 and for each fiscal year thereafter, the
 16 United States assessed contributions to APEC may be
 17 paid from funds appropriated for “Contributions to Inter-
 18 national Organizations”.

19 **PART F—MISCELLANEOUS PROVISIONS**
 20 **SEC. 161. PUBLISHING INTERNATIONAL AGREEMENTS.**

21 Section 112a of title 1 of the United States Code is
 22 amended—

23 (1) by inserting “(a)” immediately before “The
 24 Secretary of State”; and

1 (2) by adding at the end thereof the following
2 new subsections:

3 “(b) The Secretary of State may determine that pub-
4 lication of certain categories of agreements is not required,
5 provided that the following criteria are met:

6 “(1) such agreements are not treaties which
7 have been brought into force for the United States
8 after having received Senate advice and consent pur-
9 suant to section 2(2) of Article II of the Constitu-
10 tion of the United States;

11 “(2) the public interest in such agreements is
12 insufficient to justify their publication, in that (i) as
13 of the date of enactment of this legislation, the
14 agreements are no longer in force, (ii) the agree-
15 ments do not create private rights or duties, nor es-
16 tablish standards intended to govern government ac-
17 tion in the treatment of private individuals; (iii) in
18 view of the limited or specialized nature of the public
19 interest in such agreements, such interest can ade-
20 quately be satisfied by an alternative means; or (iv)
21 the public disclosure of the text of the agreement
22 would, in the opinion of the President, be prejudicial
23 to the national security of the United States; and

24 “(3) copies of such agreements (other than
25 those in subsection (2)(b)(iv)), including certified

1 copies where necessary for litigation or similar pur-
2 poses, can be made available by the Department of
3 State upon reasonable request.

4 “(c) Any determination pursuant to subsection (b)
5 shall be published in the Federal Register.”.

6 **SEC. 162. MIGRATION AND REFUGEE AMENDMENTS.**

7 (a) The Migration and Refugee Assistance Act of
8 1962 (Public Law 87–510) is amended—

9 (1) in section 2(a) and 2(b)(1) by replacing
10 “the Intergovernmental Committee for European
11 Migration” with “the International Organization for
12 Migration”, and “the Committee” with “the Organi-
13 zation”, and in section 2(a) by adding, after “Octo-
14 ber 19, 1953” the phrase “, as amended in Geneva,
15 Switzerland, on May 20, 1987”;

16 (2) in section 2(c)(2) by striking
17 “\$50,000,000” and inserting in its place
18 “\$80,000,000”; and

19 (3) in section 3(a) by adding a new subsection
20 (3) as follows: “(3) to retain the proceeds derived
21 from the disposition of properties acquired pursuant
22 to this Act, which proceeds shall be credited to the
23 Migration and Refugee Assistance Account (or any
24 successor account), and shall be available for obliga-
25 tion or expenditure without fiscal year limitations.”.

1 (b) Section 745 of Public Law 100–204 is repealed.

2 **TITLE II—DEPARTMENT OF**
3 **STATE ORGANIZATION**

4 **SEC. 201. ORGANIZING PRINCIPLES.**

5 (a) FINDINGS.—The Congress finds that—

6 (1) The organization of the Department of
7 State should, to the maximum extent possible, re-
8 flect the primary responsibility of the Secretary of
9 State under the President for the conduct of the Na-
10 tion’s foreign relations; and

11 (2) As a consequence, unless compelling consid-
12 erations so require, statutory authorities should be
13 vested in the Secretary, rather than in officials sub-
14 ordinate to him.

15 (b) REPROGRAMMING.—In recognition of the appro-
16 priate oversight role of the Congress, the Department of
17 State shall notify the Congress, in accordance with rel-
18 evant reprogramming procedures, of its intention to abol-
19 ish or create units at the bureau level or above.

20 (c) SAVINGS CLAUSE.—Existing statutes and regula-
21 tions with respect to organizations and officials whose sta-
22 tus is modified in this title shall remain in effect until Ex-
23 ecutive orders, regulations, and Departmental directives
24 necessary to implement this title have become effective.

1 **SEC. 202. UNDER SECRETARY AND ASSISTANT SECRETARY**
2 **POSITIONS.**

3 (a) NUMBER AND NAMES OF UNDER SECRETARIES
4 AND ASSISTANT SECRETARIES.—Section 1 of the Act of
5 May 26, 1949, as amended (22 U.S.C. 2652), is further
6 amended—

7 (1) in the title by striking everything after
8 “Deputy Secretary of State;” and inserting in its
9 place “Under Secretaries of State; Assistant Sec-
10 retaries of State.”; and

11 (2) in the text by striking everything after
12 “Deputy Secretary of State and inserting in its place
13 “up to five Under Secretaries of State, and up to
14 twenty four Assistant Secretaries of State.”.

15 (b) CONFORMING AMENDMENTS.—

16 (1) Section 115(a) of the Foreign Relations Au-
17 thorization Act, Fiscal Year 1979 (22 U.S.C. 2652a)
18 is repealed.

19 (2) Section 9(a) of Public Law 93–126, as
20 amended (22 U.S.C. 2655a) is repealed.

21 (3) Section 122(a) of the Foreign Relations Au-
22 thorization Act, Fiscal Years 1992 and 1993 (22
23 U.S.C. 2652b) is repealed.

24 (4) Section 5314 of title 5, United States Code,
25 is amended by striking—

1 “Under Secretary of State for Political Affairs
2 and Under Secretary of State for Economic and Ag-
3 ricultural Affairs and an Under Secretary of State
4 for Coordinating Security Assistance Programs and
5 Under Secretary of State for Management.

6 “Counselor of the Department of State.”
7 and inserting in its place:

8 “Under Secretaries of State (5).”.

9 (5) Section 5315 of title 5, United States Code,
10 is amended—

11 (A) by striking “Assistant Secretary for
12 International Narcotics Matters, Department of
13 State.”, “Assistant Secretary for South Asian
14 Affairs, Department of State.”, and “Assistant
15 Secretary for Oceans and International Envi-
16 ronmental and Scientific Affairs, Department of
17 State.”;

18 (B) by striking “(15)” where it appears
19 after “Assistant Secretaries of State”, and in-
20 serting in its place “(24)”; and

21 (C) by inserting “Counselor of the Depart-
22 ment of State.”.

23 (6) The Foreign Assistance Authorization Act
24 of 1961, as amended, is further amended—

1 (A) in section 116(c) (22 U.S.C. 2151n),
2 by striking “Assistant Secretary for Human
3 Rights and Humanitarian Affairs” and insert-
4 ing in its place “Secretary of State”;

5 (B) in sections 502B(b) (22 U.S.C.
6 2304(b)), 502B(c)(1) (22 U.S.C. 2304(c)), and
7 505(g)(4)(A) (22 U.S.C. 2314(g)(4)(A)) by
8 striking “, prepared with the Assistance of the
9 Assistant Secretary of State for Human Rights
10 and Humanitarian Affairs,” wherever it ap-
11 pears;

12 (C) in section 573—

13 (i) in subsection 573(c) by striking
14 “The Assistant Secretary of State for
15 Human Rights and Humanitarian Affairs”
16 and inserting in its place “The Secretary
17 of State”; and

18 (ii) in subsection 573(d)(3) by strik-
19 ing “by employees of the Bureau of Diplo-
20 matic Security”.

21 (D) in section 624(f)(1) (22 U.S.C.
22 2384(f)(1)) by repealing all of section
23 624(f)(1);

24 (E) in section 624(f)(2) by striking “(2)
25 The Assistant Secretary of State for Human

1 Rights and Humanitarian Affairs” and insert-
2 ing in its place “The Secretary of State”; and
3 (F) in section 624(f)(2)(C) by striking
4 “the Secretary of State and” and “Assistant”.

5 (7) The Arms Export Control Act is amended
6 in section 5(d)(1) (22 U.S.C. 2755(d)(1)) by strik-
7 ing “Assistant Secretary of State for Human Rights
8 and Humanitarian Affairs” and inserting in its place
9 “Secretary of State”.

10 (8) The Diplomatic Security Act is further
11 amended—

12 (A) in section 102(b) (22 U.S.C. 4801(b))
13 by striking paragraph (b)(2) and renumbering
14 paragraphs (3) through (6) as (2) through (5)
15 respectively;

16 (B) in subsection 103(a)—

17 (i) by inserting “(1)” before “The
18 Secretary of State” and redesignating
19 paragraphs (1) through (4) as (A) through
20 (D) respectively; and

21 (ii) by inserting at the end the follow-
22 ing new paragraph:

23 “(2) Security responsibilities of the Secretary
24 include but are not limited to the following:”;

1 “(A) FORMER OFFICE OF SECURITY FUNC-
2 TIONS.—Functions and responsibilities exer-
3 cised by the Office of Security, Department of
4 State, before November 1, 1985.

5 “(B) SECURITY AND PROTECTIVE OPER-
6 ATIONS.—

7 “(i) Establishment and operations of
8 post security and protective functions
9 abroad.

10 “(ii) Development and implementation
11 of communications, computer, and infor-
12 mation security.

13 “(iii) Emergency planning.

14 “(iv) Establishment and operations of
15 local guard services abroad.

16 “(v) Supervision of the United States
17 Marine Corps security guard program.

18 “(vi) Liaison with American overseas
19 private sector security interests.

20 “(vii) Protection of foreign missions
21 and international organizations, foreign of-
22 ficials, and diplomatic personnel in the
23 United States, as authorized by law.

1 “(viii) Protection of the Secretary of
2 State and other persons designated by the
3 Secretary of State, as authorized by law.

4 “(ix) Physical protection of Depart-
5 ment of State facilities, communications,
6 and computer information systems in the
7 United States.

8 “(x) Conduct of investigations relating
9 to protection of foreign officials and diplo-
10 matic personnel and foreign missions in
11 the United States, suitability for employ-
12 ment, employee security, illegal passport
13 and visa issuance or use, and other inves-
14 tigations, as authorized by law.

15 “(xi) Carrying out the rewards pro-
16 gram for information concerning inter-
17 national terrorism authorized by section
18 36(a) of the State Department Basic Au-
19 thorities Act of 1956.

20 “(xii) Performance of other security,
21 investigative, and protective matters as au-
22 thorized by law.”;

23 (C) by repealing section 104;

24 (D) in section 105 by deleting the title and
25 text through subsection 105(3) and by redesignig-

1 nating subsections 105(4) through 105(8) as
 2 subsections 103(a)(2)(C) through 103(a)(2)(G).

3 (E) in section 107, by striking “The Chief
 4 of Protocol of the Department of State shall
 5 consult with the Assistant Secretary of Diplo-
 6 matic Security” and inserting in its place “The
 7 Secretary of State shall take into account secu-
 8 rity considerations”;

9 (F) in section 201 by striking the title pre-
 10 ceding that section and the entire section and
 11 inserting in its place the following:

12 **“TITLE II—PERSONNEL**

13 **“SEC. 201. DIPLOMATIC SECURITY SERVICE.**

14 “The Secretary of State may establish a Diplomatic
 15 Security Service, which shall perform such functions as
 16 may be assigned to it by the Secretary of State.”;

17 (G) in section 202—

18 (i) by striking “The” in the first sen-
 19 tence and inserting in its place “Any
 20 such”;

21 (ii) by striking “shall” wherever it ap-
 22 pears and inserting in its place “should”;
 23 and

24 (iii) by striking the last sentence;

25 (H) in section 203—

1 (i) by striking the title and inserting
2 in its place “SPECIAL AGENTS”;

3 (ii) in the first sentence by striking
4 “Positions in the Diplomatic Security Serv-
5 ice” and inserting in its place “Special
6 agent positions”; and

7 (iii) in the last sentence by striking
8 “In the case of positions designated for
9 special agents, the” and inserting in its
10 place “The”; and

11 (I) in section 402(a)(2) by striking “As-
12 sistant Secretary for Diplomatic Security” and
13 inserting in its place “Secretary of State”.

14 (9) The Immigration and Nationality Act is
15 further amended—

16 (A) in section 101(a)(1) (8 U.S.C.
17 1101(a)(1)) by striking “Assistant Secretary of
18 State for Consular Affairs” and inserting in its
19 place “official designated by the Secretary of
20 State pursuant to section 104(b) of this Act”.

21 (B) in section 104 (8 U.S.C. 1104)—

22 (i) in the title by striking “; Bureau
23 of Consular Affairs”;

1 (ii) in subsection (a), by striking “the
2 Bureau of Consular Affairs” and inserting
3 in its place “the administrator”;

4 (iii) by striking subsection (b) and in-
5 serting in its place the following:

6 “(b) The Secretary of State shall designate an admin-
7 istrator who shall be a citizen of the United States, quali-
8 fied by experience. The administrator shall maintain close
9 liaison with the appropriate committees of Congress in
10 order that they may be advised regarding the administra-
11 tion of this Act by consular officers. The administrator
12 shall be charged with any and all responsibility and au-
13 thority in the administration of this Act which are con-
14 ferred on the Secretary of State as may be delegated to
15 the administrator by the Secretary of State or which may
16 be prescribed by the Secretary of State, and shall perform
17 such other duties as the Secretary of State may pre-
18 scribe.”;

19 (iv) in subsection (c), by striking “Bu-
20 reau” and inserting in its place “Depart-
21 ment of State”; and

22 (v) in subsection (d), by placing a pe-
23 riod after “respectively” and deleting the
24 remainder of the subsection.

1 (C) in section 105 (8 U.S.C. 1105) by
2 striking “Assistant Secretary of State for Con-
3 sular Affairs” and inserting in its place “ad-
4 ministrator” in both sentences.

5 **SEC. 203. ENVOY TO THE AFGHAN RESISTANCE.**

6 Section 306 of the Department of State Appropria-
7 tions Act, 1989 (Public Law 100–459) is repealed.

8 **SEC. 204. BURDENSARING.**

9 Section 8125(c) of the Department of Defense Appro-
10 priations Act, Fiscal Year 1989 (Public Law 100–463) is
11 repealed.

12 **SEC. 205. COORDINATOR FOR INTERNATIONAL COMMU-
13 NICATIONS AND INFORMATION POLICY.**

14 Section 35 of the State Department Basic Authorities
15 Act of 1956 (22 U.S.C. 2707) is amended—

16 (1) in subsection (a) by striking the parenthet-
17 ical phrase; and

18 (2) in subsection (b)—

19 (A) by striking everything after “(b)” and
20 before “(1)” and inserting in its place the fol-
21 lowing: “The Secretary of State shall be respon-
22 sible for formulation, coordination, and over-
23 sight of international communications and in-
24 formation policy. The Secretary of State
25 shall—”;

1 (B) by renumbering clauses (1) through
2 (7) as (2) through (8) respectively;

3 (C) by inserting a new clause (1) as fol-
4 lows: “exercise primary authority for the con-
5 duct of foreign policy with respect to tele-
6 communications, including the determination of
7 United States positions and the conduct of
8 United States participation in bilateral and
9 multilateral negotiations with foreign govern-
10 ments and in international bodies;”

11 (D) in renumbered clause (2), by striking
12 “with the bureaus and offices of the Depart-
13 ment of State and”, and inserting before the
14 semicolon “and with the Federal Communica-
15 tions Commission, as appropriate”; and

16 (E) in renumbered clause (4), by striking
17 “the Senior Interagency Group on International
18 Communications and Information Policy” and
19 inserting in its place “any senior interagency
20 policy-making group on international tele-
21 communications and information policy”.

22 **SEC. 206. REFUGEE AFFAIRS.**

23 (a) AMENDMENTS TO THE REFUGEE ACT.—The Ref-
24 ugee Act of 1980 (Public Law 96–212) is amended—

1 (1) in the heading for title III by striking
 2 “United States Coordinator for Refugee Affairs
 3 and”;

4 (2) in the heading for Part A, by striking such
 5 heading;

6 (3) by repealing section 301 (8 U.S.C. 1525);
 7 and

8 (4) by striking the heading for Part B.

9 (b) AMENDMENTS TO THE MIGRATION AND REFU-
 10 GEE ASSISTANCE ACT.—Section 5 of the Migration and
 11 Refugee Assistance Act (22 U.S.C. 2605) is amended—

12 (1) in subsection (a) by striking “and” at the
 13 end of paragraph (6), striking the period at the end
 14 of paragraph (7) and replacing it with “; and”, and
 15 adding the following new paragraph at the end:

16 “(8) administrative expenses of the bureau
 17 charged with carrying out this Act.”; and

18 (2) by adding the following new subsection (c)
 19 at the end:

20 “(c) For purposes of this section the “purposes of
 21 this Act” include population-related activities.”.

22 (c) AMENDMENTS TO THE IMMIGRATION AND NA-
 23 TIONALITY ACT.—

24 (1) Section 411 of the Immigration and Nation-
 25 ality Act (8 U.S.C. 1521) is amended by striking

1 “and under the general policy guidance of the Unit-
2 ed States Coordinator for Refugee Affairs (herein-
3 after in this chapter referred to as the “Coordina-
4 tor”)” and inserting in its place “the Secretary of
5 State”;

6 (2) Section 412 of the Immigration and Nation-
7 ality Act (8 U.S.C. 1522) is amended—

8 (A) in subsection (a)(2)(A), by striking “,
9 together with the Coordinator,”;

10 (B) in subsections (b)(3) and (b)(4), by
11 striking “in consultation with the Coordina-
12 tor,”;

13 (C) in subsection (e)(7)(C), by striking “,
14 in consultation with the United States Coordi-
15 nator for Refugee Affairs,”; and

16 (3) Section 413(a) of the Immigration and Na-
17 tionality Act (8 U.S.C. 1523) is amended by striking
18 “, in consultation with the Coordinator,”;

19 **SEC. 207. OFFICE OF FOREIGN MISSIONS.**

20 Title II of the State Department Basic Authorities
21 Act (22 U.S.C. 4301 et seq.), is amended—

22 (a) in section 202 by striking paragraph (a)(3)
23 and renumbering subparagraphs (4) through (8) as
24 (3) through (7);

25 (b) in section 203—

1 (1) by striking the heading immediately
2 preceding that section and replacing it with
3 “AUTHORITIES OF THE SECRETARY OF
4 STATE”;

5 (2) by striking subsections (a) and (b);

6 (3) in subsection (c)—

7 (A) by striking “(c) The Secretary
8 may authorize the Director to” and insert-
9 ing in its place “The Secretary is author-
10 ized to”;

11 (B) by striking “and” at the end of
12 paragraph (3);

13 (C) by striking the period at the end
14 of paragraph (4) and replacing it with “;”;
15 and

16 (D) by redesignating paragraphs (1)
17 through (4) as (a) through (d);

18 (E) redesignating newly designated
19 paragraph (d) as (e); and

20 (F) adding the following new para-
21 graph (d):

22 “(d) designate an office within the Department
23 of State to carry out the purposes of this Act. In the
24 event such an office is established, the President
25 may appoint, by and with the advice and consent of

1 the Senate, a Director, with the rank of ambassador.
2 Furthermore, of the Director and the next most sen-
3 ior person in the office, one should be an individual
4 who has served in the United States Foreign Service
5 while the other should be an individual who has
6 served in the United States Intelligence Community;
7 and”.

8 (c) in section 204—

9 (1) in paragraphs (a), (b) and (c) by strik-
10 ing “Director” wherever it appears and insert-
11 ing in its place “Secretary”; and

12 (2) in paragraph (d) by striking “the Di-
13 rector or any other” and inserting in its place
14 “any”;

15 (d) in section 204A by striking “Director”
16 wherever it appears and inserting in its place “Sec-
17 retary”;

18 (e) in section 205—

19 (1) in paragraph (a) by striking “Direc-
20 tor” and inserting in its place “Secretary”; and

21 (2) in subparagraph (c)(2) by striking “au-
22 thorize the Director to”;

23 (f) in section 208—

24 (1) in paragraph (d) by striking “Direc-
25 tor” and inserting in its place “Secretary”;

1 (2) in paragraphs (c), (e), and (f) by strik-
2 ing “Office of Foreign Missions” wherever it
3 appears and inserting in its place “Department
4 of State”; and
5 (3) in subparagraph (h)(2) by striking
6 “Director or the”.

7 **SEC. 208. DIRECTOR GENERAL OF THE FOREIGN SERVICE.**

8 Section 208 of the Foreign Service Act of 1980 (22
9 U.S.C. 3928) is amended to read as follows:

10 “SEC. 208. DIRECTOR GENERAL OF THE FOREIGN
11 SERVICE.—The President may appoint, by and with the
12 advice and consent of the Senate, a Director General of
13 the Foreign Service, who should be a career member of
14 the Senior Foreign Service. Such an individual should as-
15 sist the Secretary of State in the management of the Serv-
16 ice and perform such functions as the Secretary of State
17 may prescribe.”.

1 **TITLE III—TORTURE AND TER-**
2 **RORISM OFFENSES AND**
3 **SANCTIONS**

4 **SEC. 301. IMPLEMENTATION OF THE 1988 PROTOCOL FOR**
5 **THE SUPPRESSION OF UNLAWFUL ACTS OF**
6 **VIOLENCE AT AIRPORTS SERVING INTER-**
7 **NATIONAL CIVIL AVIATION.**

8 (a) OFFENSE.—Chapter 2 title 18, United States
9 Code, is amended by adding at the end the following new
10 section:

11 **“SEC. 36. VIOLENCE AT INTERNATIONAL AIRPORTS.**

12 “(a) Whoever unlawfully and intentionally, using any
13 device, substance or weapon—

14 “(1) performs an act of violence against a per-
15 son at an airport serving international civil aviation
16 which causes or is likely to cause serious injury or
17 death; or

18 “(2) destroys or seriously damages the facilities
19 of an airport serving international civil aviation or a
20 civil aircraft not in service located thereon or dis-
21 rupts the services of the airport, if such an act en-
22 dangers or is likely to endanger safety at the air-
23 port, or attempts to do such an act, shall be fined
24 under this title, imprisoned not more than 20 years,
25 or both, and if the death of any person results from

1 conduct prohibited by this subsection, shall be pun-
2 ished by death or imprisoned for any term of years
3 or for life.

4 “(b) There is jurisdiction over the activity prohibited
5 in subsection (a) if—

6 “(1) the prohibited activity takes place in the
7 United States; or

8 “(2) the prohibited activity takes place outside
9 the United States and the offender is later found in
10 the United States.”.

11 (b) TECHNICAL AMENDMENT.—The chapter analysis
12 for chapter 2 of title 18, United States Code, is amended
13 by adding at the end the following new item:

 “36. Violence at international airports.”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect on the later of—

16 (1) the date of enactment of this Act; or

17 (2) the date on which the Protocol for the Sup-
18 pression of Unlawful Acts of Violence at Airports
19 Serving International Civil Aviation, Supplementary
20 to the Convention for the Suppression of Unlawful
21 Acts Against the Safety of Civil Aviation, done at
22 Montreal on 23 September 1971, has come into
23 force and the United States has become a party to
24 the Protocol.

1 **SEC. 302. AMENDMENT TO THE FEDERAL AVIATION ACT.**

2 Section 902(n) of the Federal Aviation Act of 1958
3 (49 U.S.C. App. 1472(n)) is amended—

4 (1) by striking paragraph (3); and

5 (2) by redesignating paragraph (4) as para-
6 graph (3).

7 **SEC. 303. OFFENSES OF VIOLENCE AGAINST MARITIME**
8 **NAVIGATION OR FIXED PLATFORMS.**

9 (a) OFFENSE.—Chapter 111 of title 18, United
10 States Code, is amended by adding at the end the follow-
11 ing new sections:

12 **“SEC. 2280. VIOLENCE AGAINST MARITIME NAVIGATION.**

13 “(a) OFFENSE.—Whoever unlawfully and inten-
14 tionally—

15 “(1) seizes or exercises control over a ship by
16 force or threat thereof or any other form of intimi-
17 dation;

18 “(2) performs an act of violence against a per-
19 son on board a ship if that act is likely to endanger
20 the safe navigation of that ship;

21 “(3) destroys a ship or causes damage to a ship
22 or to its cargo which is likely to endanger the safe
23 navigation of that ship;

24 “(4) places or causes to be placed on a ship, by
25 any means whatsoever, a device or substance which
26 is likely to destroy that ship, or cause damage to

1 that ship or its cargo which endangers or is likely
2 to endanger the safe navigation of that ship;

3 “(5) destroys or seriously damages maritime
4 navigational facilities or seriously interferes with
5 their operation, if such act is likely to endanger the
6 safe navigation of a ship;

7 “(6) communicates information, knowing the
8 information to be false and under circumstances in
9 which such information may reasonably be believed,
10 thereby endangering the safe navigation of a ship;

11 “(7) injures or kills any person in connection
12 with the commission or the attempted commission of
13 an offense described in paragraph (1), (2), (3), (4),
14 (5), or (6); or

15 “(8) attempts to commit any act prohibited
16 under paragraph (1), (2) , (3), (4), (5), (6), or (7),
17 shall be fined under this title, imprisoned not more
18 than 20 years, or both, and if the death of any per-
19 son results from conduct prohibited by this sub-
20 section, shall be punished by death or imprisoned for
21 any term of years or for life.

22 “(b) THREATENED OFFENSE.—Whoever threatens to
23 commit any act prohibited under subsection (a) (2), (3),
24 or (5), with apparent determination and will to carry the
25 threat into execution, if the threatened act is likely to en-

1 danger the safe navigation of the ship in question, shall
2 be fined under this title, imprisoned not more than 5
3 years, or both.

4 “(c) JURISDICTION.—There is jurisdiction over the
5 activity prohibited in subsection (a) and (b)—

6 “(1) in the case of a covered ship, if—

7 “(A) such activity is committed—

8 “(i) against or on board a ship flying
9 the flag of the United States at the time
10 the prohibited activity is committed;

11 “(ii) in the United States; or

12 “(iii) by a national of the United
13 States or by a stateless person whose ha-
14 bitual residence is in the United States;

15 “(B) during the commission of such activ-
16 ity, a national of the United States is seized,
17 threatened, injured, or killed; or

18 “(C) the offender is later found in the
19 United States after such activity is committed;

20 “(2) in the case of a ship navigating or sched-
21 uled to navigate solely within the territorial sea or
22 internal waters of a country other than the United
23 States, if the offender is later found in the United
24 States after such activity is committed; and

1 “(3) in the case of any vessel, if such activity
2 is committed in an attempt to compel the United
3 States to do or abstain from doing any act.

4 “(d) DELIVERY OF PROBABLE OFFENDER.—The
5 master of a covered ship flying the flag of the United
6 States who has reasonable grounds to believe that he or
7 she has on board the ship any person who has committed
8 an offense under Article 3 of the Convention for the Sup-
9 pression of Unlawful Acts Against the Safety of Maritime
10 Navigation may deliver such person to the authorities of
11 a State Party to that Convention. Before delivering such
12 person to the authorities of another country, the master
13 shall notify in an appropriate manner the Attorney Gen-
14 eral of the United States of the alleged offense and await
15 instructions from the Attorney General as to what action
16 the master should take. When delivering the person to a
17 country which is a State Party to the Convention, the mas-
18 ter shall, whenever practicable, and if possible before en-
19 tering the territorial sea of such country, notify the au-
20 thorities of such country of his or her intention to deliver
21 such person and the reason therefor. If the master delivers
22 such person, the master shall furnish the authorities of
23 such country with the evidence in the master’s possession
24 that pertains to the alleged offense.

25 “(e) DEFINITIONS.—As used in this section—

1 “(1) ‘ship’ means a vessel of any type whatso-
2 ever not permanently attached to the seabed, includ-
3 ing dynamically supported craft, submersibles or any
4 other floating craft, but does not include a warship,
5 a ship owned or operated by a government when
6 being used as a naval auxiliary or for customs or po-
7 lice purposes, or a ship that has been withdrawn
8 from navigation or laid up;

9 “(2) ‘covered ship’ means a ship that is navi-
10 gating or is scheduled to navigate into, through, or
11 from waters beyond the outer limit of the territorial
12 sea of a single country or a lateral limit of that
13 country’s territorial sea with an adjacent country;

14 “(3) ‘national of the United States’ has the
15 meaning stated in section 101(a)(22) of the Immi-
16 gration and Nationality Act (8 U.S.C. 1101(a)(22));

17 “(4) ‘territorial sea of the United States’ means
18 all waters extending seaward to 12 nautical miles
19 from the baselines of the United States determined
20 in accordance with international law; and

21 “(5) ‘United States’, when used in a geographi-
22 cal sense, includes the Commonwealth of Puerto
23 Rico, the Commonwealth of the Northern Marianas
24 Islands, and all territories and possessions of the
25 United States.

1 **“SEC. 2281. VIOLENCE AGAINST MARITIME FIXED PLAT-**
2 **FORMS.**

3 “(a) OFFENSE.—Whoever unlawfully and inten-
4 tionally—

5 “(1) seizes or exercises control over a fixed
6 platform by force or threat thereof or any other
7 form of intimidation;

8 “(2) performs an act of violence against a per-
9 son on board a fixed platform if that act is likely to
10 endanger its safety;

11 “(3) destroys a fixed platform or causes dam-
12 age to it which is likely to endanger its safety;

13 “(4) places or causes to be placed on a fixed
14 platform, by any means whatsoever, a device or sub-
15 stance that is likely to destroy the fixed platform or
16 likely to endanger its safety;

17 “(5) injures or kills any person in connection
18 with the commission or attempted commission of an
19 offense described in paragraph (1), (2), (3), or (4);
20 or

21 “(6) attempts to do anything prohibited under
22 paragraphs (1), (2), (3), (4), or (5); shall be fined
23 under this title, imprisoned not more than 20 years,
24 or both, and if death results to any person from con-
25 duct prohibited by this subsection, shall be punished

1 by death or imprisoned for any term of years or for
2 life.

3 “(b) THREATENED OFFENSE.—Whoever threatens to
4 do any thing prohibited under subsection (a) (2) or (3),
5 with apparent determination and will to carry the threat
6 into execution, if the threatened act is likely to endanger
7 the safety of the fixed platform, shall be fined under this
8 title or imprisoned not more than 5 years, or both.

9 “(c) JURISDICTION.—There is jurisdiction over the
10 activity prohibited in subsections (a) and (b) if—

11 “(1) such activity is committed against or on
12 board a fixed platform—

13 “(A) that is located on the continental
14 shelf of the United States;

15 “(B) that is located on the continental
16 shelf of another country, by a national of the
17 United States or by a stateless person whose
18 habitual residence is in the United States; or

19 “(C) in an attempt to compel the United
20 States to do or abstain from doing any act;

21 “(2) during the commission of such activity
22 against or on board a fixed platform located on a
23 continental shelf, a national of the United States is
24 seized, threatened, injured or killed; or

1 “(3) such activity is committed against or on
2 board a fixed platform located outside the United
3 States and beyond the continental shelf of the Unit-
4 ed States and the offender is later found in the
5 United States.

6 “(d) DEFINITIONS.—As used in this section—

7 “(1) ‘continental shelf’ means the seabed and
8 subsoil of the submarine areas that extend beyond a
9 country’s territorial sea to the limits provided by
10 customary international law as reflected in Article
11 76 of the 1982 Convention on the Law of the Sea;

12 “(2) ‘fixed platform’ means an artificial island,
13 installation or structure permanently attached to the
14 seabed for the purpose of exploration or exploitation
15 of resources or for other economic purposes;

16 “(3) ‘national of the United States’ has the
17 meaning stated in section 101(a)(22) of the Immi-
18 gration and Nationality Act (8 U.S.C. 1101(a)(22));

19 “(4) ‘territorial sea of the United States’ means
20 all waters extending seaward to 12 nautical miles
21 from the baselines of the United States determined
22 in accordance with international law; and

23 “(5) ‘United States’, when used in a geographi-
24 cal sense, includes the Commonwealth of Puerto
25 Rico, the Commonwealth of the Northern Marianas

1 Islands, and all territories and possessions of the
 2 United States.”.

3 (b) TECHNICAL AMENDMENT.—The chapter analysis
 4 for chapter 111 of title 18, United States code, is amended
 5 by adding at the end the following new items:

“2280. Violence against maritime navigation.

“2281. Violence against maritime fixed platforms.”.

6 (c) EFFECTIVE DATES.—The amendments made by
 7 this section shall take effect on the later of—

8 (1) the date of enactment of this Act; or

9 (2)(A) in the case of section 2280 of title 18,
 10 United States Code, the date on which the Conven-
 11 tion for the Suppression of Unlawful Acts Against
 12 the Safety of Maritime Navigation has come into
 13 force and the United States has become party to
 14 that Convention; and

15 (B) in the case of section 2281 of title 18,
 16 United States Code, the date on which the Protocol
 17 for the Suppression of Unlawful Acts Against the
 18 Safety of Fixed Platforms Located on the Continen-
 19 tal Shelf has become into force and the United
 20 States has become a party to that Protocol.

21 **SEC. 304. TORTURE CONVENTION IMPLEMENTATION.**

22 (a) IN GENERAL.—Part I of title 18, United States
 23 Code, is amended by inserting after chapter 113A the fol-
 24 lowing new chapter:

“Sec.

“2340. Definitions.

“2340A. Torture.

“2340B. Exclusive remedies.

1 **“SEC. 2340. DEFINITIONS.**

2 “As used in this chapter—

3 “(1) ‘torture’ means an act committed by a per-
4 son acting under the color of law specifically in-
5 tended to inflict severe physical or mental pain or
6 suffering (other than pain or suffering incidental to
7 lawful sanctions) upon another person with custody
8 or physical control;

9 “(2) ‘severe mental pain or suffering’ means
10 the prolonged mental harm caused by or resulting
11 from—

12 “(A) the intentional infliction or threat-
13 ened infliction of severe physical pain or suffer-
14 ing;

15 “(B) the administration or application, or
16 threatened administration or application, of
17 mind-altering substances or other procedures
18 calculated to disrupt profoundly the senses or
19 the personality;

20 “(C) the threat of imminent death; or

21 “(D) the threat that another person will
22 imminently be subjected to death, severe phys-

1 ical pain or suffering, or the administration or
2 application of mind-altering substances or other
3 procedures calculated to disrupt profoundly the
4 senses or personality; and

5 “(3) ‘United States’ includes all areas under
6 the jurisdiction of the United States including any
7 of the places described in sections 5 and 7 of this
8 title and section 101(38) of the Federal Aviation Act
9 of 1958 (49 U.S.C. App. 1301(38)).

10 **“SEC. 2340A. TORTURE.**

11 “(a) OFFENSE.—Whoever outside the United States
12 commits or attempts to commit torture shall be fined
13 under this title or imprisoned not more than 20 years, or
14 both, and if death results to any person from conduct pro-
15 hibited by this subsection, shall be imprisoned for any
16 term of years or for life.

17 “(b) JURISDICTION.—There is jurisdiction over the
18 activity prohibited in subsection (a) if—

19 “(1) the alleged offender is a national of the
20 United States; or

21 “(2) the alleged offender is present in the
22 United States, irrespective of the nationality of the
23 victim or alleged offender.

1 **“SEC. 2340B. EXCLUSIVE REMEDIES.**

2 “Nothing in this chapter shall be construed as pre-
3 cluding the application of State or local laws on the same
4 subject, nor shall anything in this chapter be construed
5 as creating any substantive or procedural right enforceable
6 by law by any party in any civil proceeding.”.

7 (b) TECHNICAL AMENDMENT.—The part analysis for
8 part I of title 18, United States Code, is amended by in-
9 serting after the item relating to chapter 113A the follow-
10 ing new item:

“113B. Torture 2340.”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect on the later of—

13 (1) the date of enactment of this Act; or

14 (2) the date on which the United States has be-
15 come a party to the Convention Against Torture and
16 Other Cruel, Inhuman or Degrading Treatment or
17 Punishment.

18 **SEC. 305. PROVIDING MATERIAL SUPPORT TO TERRORISTS.**

19 (a) OFFENSE.—Chapter 113A of title 18, United
20 States Code, is amended by adding at the end the follow-
21 ing new section:

22 **“SEC. 2339. PROVIDING MATERIAL SUPPORT TO TERROR-**
23 **ISTS.**

24 “Whoever, within the United States, provides mate-
25 rial support or resources or conceals or disguises the na-

1 ture, location, source, or ownership of material support or
2 resources, knowing or intending that they are to be used
3 in preparation for, or in carrying out, a violation of section
4 32, 36, 351, 844 (f) or (i), 1114, 1116, 1203, 1361, 1363,
5 1751, 2280, 2281, 2332, or 2339A of this title or section
6 902(i) of the Federal Aviation Act of 1958 (49 U.S.C.
7 App. 1472(i)), or in preparation for, or carrying out, the
8 concealment or an escape from the commission of any of
9 the foregoing, shall be fined under this title, imprisoned
10 not more than 10 years, or both. For purposes of this sec-
11 tion, material support or resources includes currency or
12 other financial securities, financial services, lodging, train-
13 ing, safehouses, false documentation or identification,
14 communications equipment, facilities, weapons, lethal sub-
15 stances, explosives, personnel, transportation, and other
16 physical assets, but does not include humanitarian assist-
17 ance to persons not directly involved in such violations.”.

18 (b) TECHNICAL AMENDMENT.—The chapter analysis
19 for chapter 113A of title 18, United States Code, as
20 amended by section 601(b)(1), is amended by adding at
21 the end the following new item:

“2339. Providing material support to terrorists”.

1 **SEC. 306. EXTENSION OF THE STATUTE OF LIMITATIONS**
 2 **FOR CERTAIN TERRORISM OFFENSES.**

3 (a) IN GENERAL.—Chapter 213 of title 18, United
 4 States Code, is amended by inserting after section 3285
 5 the following new section:

6 **“SEC. 3286. EXTENSION OF STATUTE OF LIMITATIONS FOR**
 7 **CERTAIN TERRORISM OFFENSES.**

8 “Notwithstanding section 3282, no person shall be
 9 prosecuted, tried, or punished for any offense involving a
 10 violation of section 32, 36, 112, 351, 1116, 1203, 1361,
 11 1751, 2280, 2281, 2332, 2339A, or 2340A of this title
 12 or section 902 (i), (j), (k), (l), or (n) of the Federal Avia-
 13 tion Act of 1958 (49 U.S.C. App. 1572 (i), (j), (k), (l),
 14 and (n)), unless the indictment is found or the information
 15 is instituted within 10 years next after such offense shall
 16 have been committed.”.

17 (b) TECHNICAL AMENDMENT.—The chapter analysis
 18 for chapter 213 of title 18, United States Code, is amend-
 19 ed by inserting after the item relating to section 3285 the
 20 following new item:

“3286. Extension of statute of limitations for certain terrorism offenses.”.



S 1099 IS——2

S 1099 IS——3

S 1099 IS——4